

Tips for Guardians

Understand your Powers, Duties, & Limitations

Refer to the court's order appointing the guardian to know if all or limited powers and duties have been granted.



Background studies

If you were required to submit a consent to background study in order to be appointed as guardian, you will be required to submit an updated consent every five years.

General Guidelines

- Even though a person subject to guardianship has a guardian, the person subject to guardianship still retains certain rights. (See the Bill of Rights for Persons Subject to Guardianship or Conservatorship in Minn. Stat. Sec. 524.5-120)
- A person subject to guardianship keeps all rights not granted to the guardian.
- A guardian must petition the court for modification of the guardianship when the condition of the person subject to guardianship changes such that fewer or additional powers are required.
- A guardian with medical powers cannot consent to any medical care which violates the known conscientious, religious or moral belief of the person subject to guardianship.

Things a guardian cannot do or consent to without court approval:

- Admit the person subject to guardianship to a regional treatment center (with limited exceptions*)
- Sterilization
- Psychosurgery and electroshock treatment
- Experimental treatment of any kind
- Revoke a health care directive

*Exceptions include: outpatient care, temporary care (under 90 days), or admitted after a hearing under Chp. 253B

Reportable events

Report to the court within 30 days of the occurrence of any of the events listed in M.S. 524.5-316(b):

- You are removed for cause from serving as guardian or conservator on any case
- Your professional license (see statute for list of agencies) is denied, conditioned, suspended, revoked or canceled
- You are found civilly liable in an action that involves fraud, misrepresentation, material omission, misappropriation, theft or conversion
- You have filed for bankruptcy
- A civil monetary judgment is entered against you
- You are convicted of a crime other than a petty misdemeanor or traffic offense
- An order for protection or harassment restraining order is issued against you
- Changes to your address, email, or phone number

Preparing Your Reports

Fill out the forms **completely**:

- Keep records of significant events in the life of the person subject to guardianship. You will be required to report on such things as the living arrangements of the person subject to guardianship, the type and quality of care provided to the person subject to guardianship, and your interaction with the person subject to guardianship.
- Keep detailed records of the services you provide if you are charging fees as guardian or seeking reimbursement for expenses.
- State the relevant information. Don't just state "no change" or "see prior report."
- Be sure to include the addresses, phone numbers and emails of the person subject to guardianship and the guardian(s).
- All guardians must sign the report or submit separate signed reports. Only the guardian/person who actually served the documents needs to sign the affidavit of service.

Submit Yearly Reports On Time:

1. Personal Well-Being
2. Annual Notice of Right to Petition for Restoration to Capacity
3. Affidavit of Service

Submit reports no later than 60 days from the anniversary date of your Letters of Guardianship.

Mail or deliver to the probate court where your case is filed.

If you don't submit your reports on time each year, you may be required to attend court and explain why to a judge.

Resources

- MyMNConservator (MMC)–
www.mncourts.gov/conservators
- Court Forms–
www.mncourts.gov/forms
- National Guardianship Association–
www.guardianship.org
- Minnesota Statutes–
www.revisor.mn.gov/pubs
- MAGiC–
www.minnesotaguardianship.org

PLEASE NOTE

This is a general information guide and reminder and is not a substitute for legal advice.

Consult your attorney if you have questions about your roles and responsibilities as guardian.



**MINNESOTA
JUDICIAL BRANCH**

Tips for Guardians (by CAAP)